IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.07 OF 2007
AND
CRIMINAL APPLICATION NO.08 OF 2007

M/s Kotak Mahindra Bank Ltd
(formerly Kotak Mahindra Finance Ltd) ...Applicant
(In both the Applications)

Versus

Mr Hiten Khatau & Anr. ...Respondents
(In both the Applications)

Mrs Revati Mohite Dere for the Applicant in both the Applications.
Ms Vidhi Sharma holding for Haresh Jagrani and Associates for the first Respondent.

CORAM : ABHAY S.OKA, J.
DATED : MARCH 29, 2007.

P.C.:

1. Heard the learned counsel appearing for the Applicant and the learned counsel appearing for the first Respondent. My attention has been invited to the orders dated 10th November, 2006 and 23rd November, 2006 passed by this Court. The present Application has been filed on the basis of the Application dated 04th December, 2006 filed by the accused Nos.1 to 3, 5 and 6 before the Trial Court. The said accused have raised an objection for separating trial against them on the basis of orders passed by this Court on 10th and 23rd November, 2006.

2. The trial Court will have to decide the Application dated 04th December, 2006 filed by the said accused persons in the light of the orders dated 10th and 23rd November, 2006 passed by this Court. The Applicant will be at liberty to approach this Court for clarification/or for necessary orders after the trial Court decides the Application dated 04th December, 2006.

3. I am informed that in a revision Application filed by the aforesaid accused persons, the Sessions Court has stayed further proceeding of the case. After the stay is vacated, the trial Court will immediately deal with Application dated 04th December, 2006 and will pass appropriate order thereon within a period of six weeks from the date on which stay is vacated. While passing order, the learned trial Judge will have to consider the legal effect of orders dated 10th and 23rd November, 2006 passed by this Court. The Application is disposed of in above terms with liberty to the Applicant to approach this Court after the decision of the trial Court on the said Application.

JUDGE